

**ORIGINAL**

Before the  
SURFACE TRANSPORTATION BOARD



Ex Parte No. 677

COMMON CARRIER OBLIGATION OF RAILROADS

ENTERED  
Office of Proceedings

MAR 25 2008

Part of  
Public Record

NOTICE OF INTENT TO PARTICIPATE

Jay L. Schollmeyer,<sup>1/</sup> for and on behalf of United Transportation Union-General Committee of Adjustment (UTU/GO-386), pursuant to notice served February 22, 2008, 73 Fed. Reg. 10509-19 (Feb. 27, 2008), gives notice of intent to participate in the captioned proceeding, and states as follows:

1. The proposed speaker for UTU/GO-386 has not been determined, but the Board will be advised no later than April 17, 2008.<sup>2/</sup>

2. An allocation of 5 minutes is requested. Cf. fn. 2.

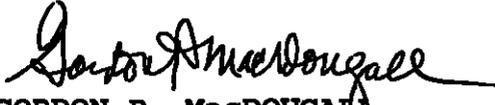
3. The topics of interest to be covered by UTU/GO-386 include items Nos. 6, 7, and 8, set forth by the Board in its

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<sup>1/</sup>General Chairman for United Transportation Union on lines of BNSF Railway Company, with offices at 400 East Evergreen Boulevard, Vancouver, WA 98660.

<sup>2/</sup>It is possible, based upon further information and/or developments, UTU/GO-386 will waive hearing appearance, upon submission of a written statement on April 17, 2008.

February 22, 2008 notice. (Notice 2). Of particular importance at this time is specific reference by the Board to abandonment authorization,<sup>3/</sup> and the implied corollary authorization or exemption involving the common carrier obligation in connection with line acquisition, construction, operation, or extension. 49 U.S.C. 10901-2; 49 U.S.C. 11323.<sup>4/</sup>

  
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March 25, 2008

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<sup>3/</sup> Notice, 2/22/08, 2. Abandonment (or discontinuance) authorization carries mandatory employee protective conditions. See: 49 U.S.C. 10903(b)(2).

<sup>4/</sup> In certain respects the hurried institution of the instant proceeding, absent public initiative or a proposed rule, might be taken as an attempt to prevent or defer activation of Ex Parte No. 673, Information Required In Certain Notices of Exemption. (served Oct. 4, 2007). It is hoped such is not the motivation. UTU/GO-386 is a party to Ex Parte No. 673.